

RESOLUTION NO. 20110310-007

WHEREAS, the City Council of the City of Austin has found that public necessity requires the City of Austin to acquire certain real property interests for public purposes as set out below; and

WHEREAS, the City of Austin has attempted to purchase those real property interests but has been unable to agree with the owner on the damages thereof; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Attorney, or other authorized designee, is hereby authorized and directed to file, or cause to be filed, a suit in eminent domain on behalf of the City of Austin against the owners now having, or who may acquire, an interest in the real property interests needed by the City, described and located below, for the public purposes set out below, and to take whatever other action may be deemed appropriate to effect the needed acquisitions.

The City Attorney, or other authorized designee, shall file eminent domain proceedings for:

Owner: Eddie Wouldgo Investments, L.P.

Project: Ft. Branch Creek Reach 6 & 7 Channel Rehabilitation –
Truelight Area and Eleanor Drive Project

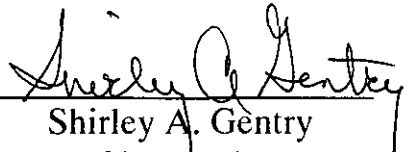
Public Purpose: the permanent drainage easement described in the attached Exhibit “A” is necessary to construct structural improvements to stabilize the Ft. Branch Creek bank from erosion and increase the size of the creek to reduce the potential frequency and depth of flooding;

Location: Off of the northeast terminus of Lott Avenue, between
Lott Avenue and Fort Branch Boulevard, Austin, Texas
78721

Property: Described in the attached and incorporated Exhibit A.

ADOPTED: March 10, 2011

ATTEST:


Shirley A. Gentry
City Clerk



STATE OF TEXAS
COUNTY OF TRAVIS

(Drainage Easement)
Being Out of a

5.004-Acres out of the Jesse C. Tannehill League Survey #29
Fort Branch Creek Reach 6 & 7, Proj. No. 6039.059

EXHIBIT " A "

LEGAL DESCRIPTION

Field notes description for a parcel of land containing 0.263 of an acre of land, equivalent to 11,456 square feet of land, out of and a part of a 5.004-acre tract or parcel of land out of the Jesse C. Tannehill League Survey No. 29 in the City of Austin, Travis County, Texas and being the same 5.004-acres tract, described as Tract 2 and 3, which was conveyed to Eddie Wouldgo Investments, LP by that certain Substitute Trustee Deed dated October 7, 2004 and recorded in Document Number 2004200466 of the Official Public Records of Travis County, Texas; said 0.263-acre parcel of land being more particularly described by metes and bounds, as follows, and as shown on the attached sketch:

BEGINNING FOR REFERENCE at a 5/8-inch iron pipe found, monumenting the northwest corner of the Lot 1, Block 8, Masonfield, a subdivision recorded in Book 4, Page 205 of the Plat Records of Travis County, Texas, said 5/8-inch iron pipe found also being at an angle corner on the south line of the above referenced Wouldgo 5.004-acre tract; **Thence**, with the common line of said Lot 1, Block 8, Masonfield and said Wouldgo 5.004-acre tract, S62°45'22"E a distance of 167.71 feet to an 80d nail set at the northeast corner of Tract B in Block 8 aforesaid Masonfield, for the southwest corner and **POINT OF BEGINNING** of this easement, having Texas State Plane Grid Coordinate (Central Zone-4203, NAD83(CORS), U.S. Survey Feet, Combined Scale Factor 0.999923385) values of N= 10,073,914.73, E= 3,133,534.02;

THENCE, through said Wouldgo 5.004-acre tract, the following three (3) courses and distances:

- 1) N10°56'18"E a distance of 151.62 feet to a calculated point for an angle point of this easement; and
- 2) N27°21'30"E a distance of 59.30 feet to a calculated point on the south line of a 14.87-acre tract of land conveyed to the City of Austin as recorded in Volume 27, Page 532 (references: Volume 7653, Page 181 and Volume 5814, Page 1277) of the Deed Records of Travis County, Texas, for the northwest corner of this easement; and
- 3) With said south line of the City of Austin 14.87-acre tract, S62°21'36"E a distance of 67.64 feet to a calculated point on the east line of said Wouldgo 5.004-acre tract, from which a capped 1/2-inch iron rod found stamped "McAngus" at the northeast corner of said Wouldgo 5.004-acre tract bears N26°33'38"E a distance of 30.33 feet;



THENCE, with the east line of said Wouldgo 5.004-acre tract, S26°33'38"W a distance of 168.87 feet to an 80d nail set at an angle corner of said Wouldgo 5.004-acre tract, for an angle corner of this easement;

THENCE, continuing with said east line of Wouldgo 5.004-acre tract, S17°29'22"E a distance of 17.49 feet to a calculated point at the most westerly corner of Lot 23, Block 1, Lincoln Gardens Section One a subdivision recorded in Book 5, Page 4 Plat Records of Travis County, Texas, for an easterly corner of this easement;

THENCE, through said Wouldgo 5.004-acre tract, S08°02'53"W a distance of 24.43 feet to a calculated point in said south line of the Wouldgo 5.004-acre tract, for the southeast corner of this easement, from which an 80d nail set at the southeast corner of said Wouldgo 5.004-acre tract, bears S62°45'22"E a distance of 14.82 feet;

THENCE, with said south line of Wouldgo 5.004-acre tract, same being the called north line of said Tract B and Lot 1 in Block 8 of the aforesaid Masonfield, N62°45'22"W a distance of 47.54 feet to the "POINT OF BEGINNING", and containing 0.263 of an acre of land, more or less.

Basis of Bearing:

Bearings mentioned on this easement are based on Texas State Plane Coordinate System, NAD83, Central Zone 4203; Horizontal And Vertical Coordinates for Aus 5 And E.U.D. 169 as established and published by Texas Department Of Transportation and by the L.C.R.A. were used as the controlling monuments for this project. Distances shown hereon are surface.

CERTIFICATION:

I do hereby certify that this easement description is true and correct to the best of my knowledge and belief, and was prepared from an actual on the ground survey of found property corners, under my supervision, and that the markers described herein actually exist, as described, at the time of my survey.

As Prepared by
Landmark Surveying, LP

Juan M. Canales, Jr.

Juan M. Canales, Jr.

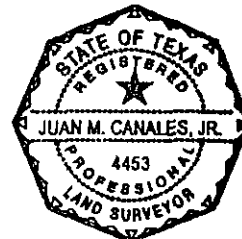
Registered Professional Land Surveyor No. 4453
Senior Project Manager
Firm Registration No. 100727-00

7-21-10

Date

REFERENCES

MAPSCO 2009, Page 586-Q
AUSTIN GRID NO. M-23
TCAD PARCEL ID NO.02-0821-0133
5.004-AC-Wouldgo-DE.doc
Lott Avenue



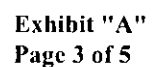
FIELD NOTES REVIEWED

By: *[Signature]* Date 7/22/10

Engineering Support Section
Department of Public Works
and Transportation

CAPITAL VIEW CENTER 1301 SOUTH CAPITAL OF TEXAS HIGHWAY
BUILDING B, SUITE 315, AUSTIN, TEXAS 78746 (512) 328-7411 (512) 328-7413
T U.C.P / W B E / H.U.B / O B E

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**SURVEY OF A PORTION OF A 5.004-ACRES TRACT (TRACT 2 AND 3)
THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS**

PAGE 4 OF 4

LEGEND

- Cotton Spindle Found
- 1/2" Iron Pipe Found
(Unless Otherwise Noted)
- 1/2" Iron Rod Found
(Unless Otherwise Noted)
- ▲ 80d Nail Set (12/22/2009)
- △ Calculated Point
"Not Established on Ground"
- () Record Information
- R.O.W. Right-of-Way
- P.O.B. Point of Beginning
- P.O.R. Point of Reference
- Bk. Book
- Pg. Page
- Vol. Volume
- P.U.E. Public Utility Easement
- P.R.T.C.T. Plat Records
- Travis County, Texas
- D.R.T.C.T. Deed Records
- Travis County, Texas
- O.P.R.T.C.T. Official Public Records
- Travis County, Texas

Utility and Improvement Note:

Utilities and improvements may exist on this tract, but are not shown hereon.

The property described hereon is contained within Zone AE, Zone X (shaded), and Zone X as scaled from F.I.R.M. Map Number 48453CD470H, dated September 26, 2008, as published by the Federal Emergency Management Agency, the purpose of which is for flood insurance only.

All easements of which I have knowledge and those recorded easements furnished by Alliant National Title Insurance Company, according to GF Number 00090669, are shown or noted hereon. Other than visible easements, no unrecorded or unwritten easements which may exist are shown hereon.

I hereby certify that a survey was made on the ground of the easement shown hereon; that there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or right-of-ways, except as shown; that said easement does not have access to and from a public roadway; and that this plat is an accurate representation of the easement to the best of my knowledge.

BEARING BASIS NOTE:

STATE PLANE COORDINATE SYSTEM (GRID) NAD'83
TEXAS CENTRAL ZONE 4203
COMBINED SCALE FACTOR = 0.999923385
NAVD 88 VERTICAL DATUM
HORIZONTAL AND VERTICAL COORDINATES FOR AUS 5 AND E.U.D. 169 AS ESTABLISHED AND PUBLISHED BY TEXAS DEPARTMENT OF TRANSPORTATION AND BY THE L.C.R.A. WERE USED AS THE CONTROLLING MONUMENTS FOR THIS PROJECT.

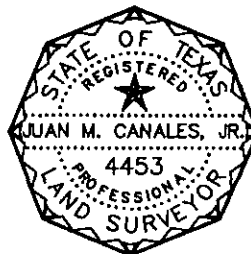
AS SURVEYED BY
LANDMARK SURVEYING, LP
FIRM REGISTRATION NO. 100727-00

Juan M. Canales, Jr. 7-21-10
JUAN M. CANALES, JR.
Registered Professional Land Surveyor No. 4453

DATE: June 30, 2010

THIS SURVEY PLAT IS VALID ONLY IF IT BEARS THE
ORIGINAL SIGNATURE OF THE ABOVE SURVEYOR

Revised: 6/30/2010
Client: HDR
Date: July 12, 2010
Office: Stephen Lawrence
Crew: J. Lee
F.B.: 1153/32-33
Path: c:\dwg 11\hdr\reaches 6 and 7\grid\easements\fbwma-grid-base-b.dwg
Job No.: 492-12-01



SKETCH TO
ACCOMPANY
FIELD NOTES

Landmark
SURVEYING, LP
1301 S. CAPITAL OF TEXAS HWY.
BUILDING B, SUITE 315
AUSTIN, TEXAS 78748
PH: (512)328-7411 FAX: (512)328-7415

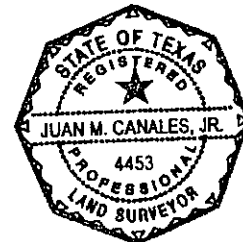


To: Alliant National Title Insurance Company
From: Landmark Surveying, LP
Date: June 30, 2010
Re: (Drainage Easement)
Being Out of a
5.004-Acre parcel of land in the Jesse C. Tannehill League Survey No. 29

Survey of that certain parcel of land containing 0.263 of an acre of land, equivalent to 11,456 square feet of land, out of and a part of a 5.004-acres tract or parcel of land out of the Jesse C. Tannehill League Survey No. 29 in the City of Austin, Travis County, Texas and being the same 5.004-acres tract, described as Tract 2 and 3, which was conveyed to Eddie Wouldgo Investments, LP by that certain Substitute Trustee Deed dated October 7, 2004 and recorded in Document Number 2004200466 of the Official Public Records of Travis County, Texas

The above referenced parcel has no easements of which I have knowledge and there are no recorded encumbrances affecting said 0.263-acre parcel of land as furnished by Alliant National Title Insurance Company under the section entitled "Schedule B-Exceptions From Coverage", GF No. 00090669, effective on March 27, 2009. Other than visible easements, no unrecorded or unwritten easements exist.

Landmark Surveying, LP
Firm Registration No. 100727-00



Juan M. Canales, Jr.

7-6-10

Juan M. Canales, Jr.
Registered Professional Land Surveyor No. 4453

Date